



OU DPC Coalition Meeting

Ohio Contractors Association

Columbus

7/17/2025

10:00AM

Greg First opened the meeting at 10:04 with opening remarks. Thanking everyone for attending. Reviewed the emergency action plan in the event of an emergency. Reminded attendees to sign in on the attendance sheet that is being passed around.

Greg First read through the guidelines of engagement for the Coalition.

Jason Broyles did a roll call for those in attendance.

Minutes from the last meeting are not available currently.

Legislative update:

Stephen Nielson: House bill 227 has had 4 hearings so far, and a sub bill that was accepted before summer recess about the 48-hour language and some ODOT language. Was supposed to have a vote before summer recess, but because of the state budget it has been pushed until after summer recess. Have an opportunity to make some amendments before they are back in session. Update on the appointment of Roger to the UTC is moving now. HB227 as of now has no opposition.

Riger Lipscomb: Several state, local, and national organizations are in support of HB227. We are being applauded on a national level on the change the 48-hour requirement.

Greg First asked Roger to let everyone know what his role will be on the UTC.

Roger Lipscomb: Senate bill 378 created the UTC and have the PUCO enforcement authority. The UTC is 17 people who are in the industry that review all the complaints. Over the years there have been conversations from stakeholders for OHIO811 to have a non-

voting advisory seat. HB315, signed by Governor DeWine, granted OHIO811 an advisory seat to help guide and give subject matter expertise. It's not to actively participate, but when called upon, we would give data and expertise on the subject. This seat is specific to OHIO811, when Roger is not in the seat anymore, it will be filled by another OHIO811 employee.

Roger and Stephen have been talking with the legislatures who say they are ready to work with us on getting things done. Will be working to find out where the coalition needs to focus on to get language in. Would like to see us keep one eye on housekeeping. In HB227 there are a number of items on LBP's that are being stripped out. Need some additional language about the UTC. As of now there are no term limits, have some people who have been there for a long time who are now retired from their positions and are no longer active in the industry. Want the coalition to look at language to strengthen the UTC. Also want to look at industries having to recuse themselves from a discussion if it is about their specific part of the industry. Should still be allowed to give input but not vote. If the group has something they want on the list of things to be addressed, please let us know and we can discuss starting new subcommittees. For the groups we currently have, it is important to get the language you have supported by the coalition so we can get it to the statehouse. Don't hold up all the progress because we are stuck on one thing, set it to the side and address it later.

Group wanted to know how long the term is.

The seat for OHIO811 is a 4-year term. Most of the other seats are now also 4-year terms.

Currently we have people representing different parts of the industry who have not worked in that part of the industry for a while and are realistically no longer experts in that field.

If HB227 has gone through the house, if we make changes will it have to go back through the house?

Yes, it would.

If we get alignment over the summer and can move language forward, we can get it added by the time they are back in session and could avoid delays to HB227.

Ideal scenario, language ready to go, get it in on the house side, then get it to the senate to be passed.

Let's find a way to get past the little things that hold us up and think of the bigger picture.

Greg First turned the meeting over to the Utility Coordination Focus Group

Utility Coordination Focus Group

Jim Wooten: haven't had meetings in quite a while, have been focusing on other groups. Have focused on size and scope discussions. Wanting to get these passed then move on to white lining.

Size and scope of a ticket, met on March 18th as a focus group, recommended language reviewed by Jim Wooten to the group. Also discussed if the schedule changes, there would need to be a new meeting.

Worth pointing out that if a company does not participate in that meeting, they will be held to the 48-hour requirement. These meetings would be mandatory.

No questions from the coalition on this.

The 1320 ft would be on a standard ticket, there are exceptions there if you are working on a divided highway, multi lane road, you can call in up to 5280 ft.

Under the current ORC there are no limits on the area that can be called in. OHIO811 CSR's do encourage those who call in to break it down into smaller segments.

If the jobs are broken down into smaller segments it helps the locators out because the areas that are completed won't be called back in after that segment is done as opposed to one larger request.

Jim Wooten asked the group if there are any questions over the proposed language.

Jim Wooten read the proposed language word for word to the coalition.

Comments:

Some inconsistencies on the use of ORC in parts of the language, want to make sure we are consistent. Would be corrected when it gets to LSC. LSC will also check punctuation and things of that nature. Will let LSC change the verbiage to how they want it formatted.

Is a large/complex ticket a dig ticket?

No, it is not. It is a meet ticket. This is when the mutually agreed upon marking schedule happens. They would have to call in a separate ticket (MDIG, which references back to the joint meet ticket) to begin the excavation.

Should it be in the language that if you don't participate in the meeting that they have to mark in the 48-hour timeframe?

No, now that the meeting has been made mandatory, so if they don't show up, they can be held accountable through the UTC and the PUCO.

Can someone not participate in the meeting as long as they have no facilities in conflict with the proposed excavation?

There are Positive Response codes that would cover that.

There is abuse of positive response codes at this time and we will need to do something about that in the future. Want to stay away from adding another code to limit the abuse. May eventually have to look at putting enforcement and accountability to deal with response code abuse.

Jim Wooten made a motion to accept the language to be sent to LSC.

Size and Scope proposed language to be sent to LSC vote: 24 yes, 0 no

Motion passes, language will be moved to LSC.

The goal would be for an association vote in our next quarterly meeting.

Once we get the language back from LSC, Jason would get the language out to the full coalition.

What is the procedure for a proxy vote?

A written notice to Jason Broyles letting him know.

For the association vote, do you need a quorum or just those who are present?

It would be for those who are present.

Clayton, update to 3781.31 language

Adding in that if the contractor leaves for 16 consecutive days, they would be required to call in the request again. Did get a comment back and reviewed. Did agree upon language and Clayton read through the proposed language word for word with the intent to vote to move this language to LSC.

Concern over how quickly a utility gets newly installed facilities on their maps. The call center has the ability that if the ticket expired because they left the site

Proposed update to 3781.31: 21 yes, 0 no

Motion passes, language will be moved to LSC.

Enforcement Subcommittee

Last subcommittee meeting in June, 3781.25, 3781.261, 3781.271 that are currently being looked at to make it enforceable. Voted on .261 and .271 in the last meeting. One thing they

aren't set on is the definition section. Looked at 7-8 states, had a hard time determining whether they are enforceable or not. Other states have similar language to Ohio. Want to take a coalition vote to see if the definition section should be enforceable or not and try to get this language voted on and moved on to LSC.

Jana Bruen brought up that some other states they do have the definitions enforceable, want to have a discussion on that with the group, and get that part settled. The rest of the language is ready to be voted on to be sent to LSC.

Original enforcement wanted to focus on the areas that could be the most effective at the time. If someone is calling into question the meaning of the definition, but it's not enforceable, it gets complicated. Adding the definitions to the enforceable section eliminates any questions. Don't see a downside to making it all enforceable. Will be more definitions added as well with the abandoned lines subcommittee.

Motion made by Alex to move this language to the LSC.

Enforcement language: 15 yes, 0 no.

Motion passes, language moved to LSC.

Abandoned Lines Subcommittee

Mary Logan So- Last fall, contractors proposed language, it has been discussed and brought a lot of folks to the table. A lot of discussion over definitions. Most recent meeting, big emphasis on the roll out, and how maintaining the data would work and affect each utility. Great feedback from the utilities. Everyone agreed that the OHIO811 center should be the repository for all the data. Good discussion about what would be useful for the contractors in the field and what data could be provided by the utilities. There was a lack of participation from the municipalities (Water/Sewer). Getting close to some agreement on a point forward initiative, and the center would be the repository for the abandoned lines data. Also, discussion of how long it takes facility owners to get new facilities on their map. Is requesting a subcommittee to discuss that issue.

Discussion, does increasing the tolerance zone conversation need a new subcommittee?

Deron Large, as a communication company, they are against increasing the tolerance zone.

Because it's a new request, put it on the future list to look at, the group can decide later if that needs to be discussed in a new subcommittee.

Exemption Subcommittee

Jim Collins not able to be here, Mike Burroughs speaking on his behalf. Reviewing and clarifying exemption language, discussed whether exemptions applied to just utility owners or excavators as well. Decided just for utility owners, would be in a 12-inch by 12-inch area around a utility asset enclosure. Suggestion made to re-word language for clarity, and separate exemptions for general locating practices and fiber work. Hoping to get a couple things tweaked so we can get this language to LSC today. Split it into two separate exemptions. Need to settle today on the language around utility structure/asset/enclosure.

A lot of discussion around the right of way language, since poles usually are on the right of way line and needing a ticket for half of the pole.

Concern over the term structure, which could be seen as a building. Concern about assets as well, it's anything you can put a price tag on.

Current proposed language is "utility enclosure/apparatus". Enclosure would cover pedestals, transformers, apparatus would cover gas meters/risers etc. Keep in mind that it is 12 inches from that point, and no deeper than 12 inches deep. No matter what we do here, it is going to require an update to the definitions. Details of the term that is decided on can be taken care of in the definitions.

"Appurtenance" conveys any kind of above ground feature that is attached to utility.

It is important to get it drafted by LSC while we work on the best verbiage and definition.

Don't want people to think an enclosure would be something inside of a fence.

Definitions could also be sent over in an amendment to HB227.

No matter what term, LCS will want an updated definition in the language as well.

As we decide on a word, research on where else in the ORC that term is used to establish consistency.

When poles are hit or replaced, will want locates to put a new guide in, if they are still good, they can use the existing one.

It would help with safety on the electric side, allowing a temp to be laid to get someone back in power, and be able to close the transformer to keep it safe from animals and children.

Several of the exemptions in the proposed language are already being done today but will allow for some protection for that activity.

Want to make it clear, this doesn't take liability off someone, you just can't be turned into the UTC and be fined. You can still be held liable for any damage.

Discussion on whether we should make it just for the utilities, and not for the contractors. But that starts to get into having an entity being exempt and we want to stay away from that. If we send it to LSC and we need to change a word, that's not an issue, but if we wait, it could delay things. At a minimum, let's get LSC to get the language drafted while they are not as busy.

Concern of the danger over someone excavating who doesn't know what they are doing but also think the delay in getting language to LSC is concerning.

Middle ground, support getting this drafted, and get the subcommittee to go back and get the couple of points addressed, for when the draft language is ready.

Something brought up primarily for the electric companies, want to be able to dig around their utility poles, most of the times they are right on the property line, so part of the pole would need a ticket since it is outside the right of way. Also, a pole in the middle of a field. Want to change the language to public/utility right of way.

For the time being, using the word enclosure, ready to move

Mike Burroughs made a motion to send language to LSC:

Exemption Language: 17 yes, 4 no.

Motion passes, language moved to LSC.

Greg First, thank you to BP pipeline for sponsoring lunch. Broke for lunch for 30 minutes.

Greg First called the meeting back to order at 12:30pm

Training Language Review

Alex McCann- comment made, training for all stakeholders, not just the utilities and the contractors. The subcommittee reviewed this, feels the concern is addressed in the first part of the language where it spells out who would be required to receive the training.

Concern from the commenter was that it listed out the utility locators, they are an extension of the utility themselves.

The "utility locators" cover in house locators, contractor locators, private locators.

Committee feels that the current language covers the areas of concern.

The subcommittee at this time is ready for an association vote to move this language to the statehouse.

For the training requirement, is it that our safety division needs to be trained, or everyone?

This would be for the field staff, the people who deal with this stuff everyday.

Does this apply to homeowners?

No, it does not.

Technically, homeowners are stakeholders. But can't hold them to the same standard as a professional excavator.

Motion made by Alex McCann for an association vote to move this language to the statehouse.

Ohio Gas Association: yes

AMP: Abstain

Ohio Oil and Gas: yes

NUCA: yes

ODOT: yes

OCA: yes

Ohio Archeological Council: yes

Motion passes, training language moved to the statehouse.

Old business

Conversation over review time frames.

In the last full coalition meeting we discussed this. Some concern over how long the review period is. 45-day review period. Added to today's agenda to have the discussion.

For the larger businesses in the room, what would be reasonable for you?

Once the 45-day review is done, and the comment review is completed, the 30-day review after may be too long.

Caution against 15 actual days, could be too short, if they have a 2-week vacation they will miss the window. Would be ok with 15 business days.

Front end review isn't where we run into problems, (45 days). What is challenging is sending it out for a 30-day review after the comments have been made and the few changes have been made. On the 45-day review, have comments in by 30 days, then have the other 15 days for the second review. Will help move things along quicker.

If it has already been looked at and commented on, it shouldn't take 30 days to review it again after it has already been looked at.

Asking for a 30-day initial review, then a 15-day follow up review.

Greg First and Mike Wilson are on board with this.

Wouldn't need a motion necessarily, just a straw vote of the folks that are here. Then Jason Broyles can go in and change the by-laws.

Since a lot of the stuff we are doing now is smaller changes, and not a total overhaul of the legislation like what was done in the beginning, we don't necessarily need as much time. Greg First asked for any further discussion. None

Asked for a vote on the change to the review process.

Review period timeline changes: 19 yes, 0 no

Review period change passes.

New Business

Ohio Aggregates and Industrial Minerals Association Voting member application

Greg First asked for a vote to approve the member application

21 yes, 0 no

ORC 3781.30 (B) (1) & (2) request for new subcommittee

Review definition of "Nondestructive manner"

Roger reviewed for the group the origination of the language in 3781.30 for the group

The law says you have to spot to the depth of the new installation.

3781.27 (e) (4) must maintain proper clearance (12" minimum)

Think there is enough here to justify having a committee formed to look at this. Jim Mandera has volunteered to chair this committee if the coalition decides to form one.

Greg and Mike discussed, feels there is a need for a subcommittee, feels that waiting for the October meeting to decide on this. At that time, they will also put together a list of possible new subcommittees to be possibly established at this time.

Mary Logan So & Liz Pyles wants the mapping and updating of records in a timely manner take priority in regard to subcommittees being formed.

Discussion about existing subcommittees having a discussion of what is left to go over, and if that subcommittee is done, then they can be removed.

Next steps:

Moving language produced through utility coordination subcommittee going to LSC.

Discussion on future topics for subcommittees

Looking for new volunteers to help co-chair future subcommittees.

Action item: Greg and Mike have both agreed to be co-chair of the full coalition, asking for an “alternate” co chair to help run the meetings when one of them cannot be present. Will be on the agenda for the October meeting.

Would that person have to be a different industry group?

Will have that discussion in October and get those details figured out.

Might be like the OHIO811 board, you have an alternate for each co-chair.

Mike Wilson made a motion to conclude the meeting.

Meeting adjourned at 1:13pm